

Steven L. Beshear
Governor

Leonard K. Peters
Secretary
Energy and Environment Cabinet



Commonwealth of Kentucky
Public Service Commission
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Frankfort, Kentucky 40602-0615
Telephone: (502) 564-3940
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psc.ky.gov

DO NOT FILE COPY ORIGINAL

David L. Armstrong
Chairman

James W. Gardner
Vice Chairman

John W. Clay
Commissioner

May 12, 2009

Ms. Marlene Dortch
Office of the Secretary
Federal Communications Commission
445 – 12th Street, S.W.
Washington, D.C. 20554

Mr. Scott Barash
Acting CEO
Universal Service Administrative Company
2000 L Street, N.W.
Washington, D.C. 20037

Received & Inspected
MAY 20 2009
FCC Mail Room

Re: CC Docket 96-45, USF Certification as Required by 47 C.F.R. § 54.314

Ms. Dortch and Mr. Barash:

Pursuant to 47 C.F.R. §54.314 and based on the information provided below, the Kentucky Public Service Commission ("KPSC") has received an affidavit from a representative of New Cingular Wireless PCS, LLC ("AT&T Mobility") and its subsidiary America Cellular Corporation ("ACC") certifying that federal high-cost support funds will only be used for the provision, maintenance and upgrading of its facilities and services for which the support is intended.

On August 15, 2006, the KPSC granted the petition for Eligible Telecommunications Carrier ("ETC") designation for ACC. On April 14, 2008, the KPSC granted the request of AT&T Mobility to transfer the ETC designation of ACC to AT&T Mobility. A copy of the order approving the transfer and a copy of the certification by AT&T Mobility and ACC are enclosed for your review as Attachments A and B, respectively.

On March 27, 2009, AT&T Mobility notified the KPSC that the proposed merger of ACC into AT&T Mobility did not occur in April 2008 as anticipated but would occur on March 31, 2009. Therefore, AT&T Mobility will be the designated ETC for the study area code ("SAC") 269905 for the wirecenters listed in Exhibit B of AT&T Mobility's petition. Please note that neither AT&T Mobility nor ACC will serve as an ETC for the wirecenters related to KY RSAs 6 and 8, as listed in Exhibit A of the AT&T Mobility petition. Those exhibits and the petition are included with this letter as Attachments C

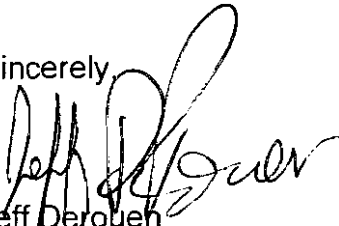
Attachment C
List ABCDE

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Ms. Marlene Dortch
Mr. Scott Barash
May 12, 2009
Page 2

If you have any questions or concerns regarding this matter, you may contact Jim Stevens at (502) 564-3940, ext. 238 or WJStevens@ky.gov or you may also contact Tiffany Bowman at (502) 564-3940, ext. 465 or TiffanyJ.Bowman@ky.gov.

Sincerely,



Jeff Derouen
Executive Director

TB/ew

cc: Mary Pat Regan, President, AT&T Kentucky
Mary K. Keyer, General Counsel, AT&T Kentucky
Main Case File No. 2008-00077

Enclosures

Attachment A

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MAY 20 2013

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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

Received & Inspected

MAY 20 2008

FCC Mail Room

In the Matter of:

NEW CINGULAR WIRELESS PCS, LLC)
("AT&T MOBILITY") NOTICE OF ACQUISITION) CASE NO.
AND REQUEST FOR TRANSFER OF ELIGIBLE) 2008-00077
TELECOMMUNICATIONS CARRIER DESIGNATION)

ORDER

On February 26, 2008, AT&T Inc. notified the Commission that, on November 15, 2007, Dobson Communications Corporation ("Dobson") became a wholly owned subsidiary of AT&T Inc. and that AT&T intends to consolidate various Dobson legal entities with current AT&T entities. Specifically, AT&T intends to merge American Cellular Corporation ("ACC") into New Cingular Wireless PCS, LLC ("AT&T Mobility") effective in April.

The Commission previously designated ACC as an eligible telecommunications carrier ("ETC") for the receipt of federal universal service support in certain rural and non-rural areas of Kentucky. For certain rural areas, the designation was conditioned on concurrence by the Federal Communications Commission's ("FCC") redefinition of certain study areas of the rural local exchange telephone company. ACC is currently designated as an ETC in the rural and non-rural areas set forth in Exhibit 1 of the application.

AT&T Mobility has requested that the Commission transfer the ETC designation of ACC to AT&T Mobility for the receipt of federal universal service support for those areas in which ACC was previously designated as an ETC with the exception of those

areas in KY-6 and KY-8 as set forth in Exhibit 2 of the application. AT&T Mobility is presently not an ETC in Kentucky for the purpose of receiving federal universal service support, and is requesting that the ETC designation be changed to AT&T Mobility for only those rural and non-rural areas set forth in Exhibit 2 of the application. After the transfer, all customers of AT&T Mobility in the ETC-designated areas will be included in the line counts for ETC designation.

AT&T Mobility will abide by the commitments made by ACC in its ETC application. Specifically, consistent with 47 U.S.C. § 214(e)(1) of the federal Communications Act and 47 C.F.R. § 54.201(d) of the FCC's rules, AT&T Mobility commits to offer the services that are supported by federal universal service support mechanisms either using its own facilities or a combination of its own facilities and resale of another carrier's services throughout the ETC-designated areas upon reasonable request, and to advertise the availability of such services and the charges therefor using media of general distribution. In addition, AT&T Mobility commits to continue to participate in the federal Lifeline and Link Up programs in compliance with the FCC's requirements. Further, AT&T Mobility commits to continue to file with the Commission plans for the use of high cost support to be received; records and documentation detailing AT&T Mobility's progress toward meeting its build-out plans; number of complaints per 1,000 handsets; and information detailing the number of unfulfilled requests for service for the past year.

The Commission therefore finds that the transfer of the ETC designation of ACC to AT&T Mobility for those areas in which ACC was previously designated as an ETC

and which the FCC did not order AT&T Mobility to divest as set forth in Exhibit 2 of the application should be approved. ACC will remain the designated ETC in KY-6 and KY-8 until it divests itself of those areas.

IT IS THEREFORE ORDERED that:


1. The transfer of the ETC designation of ACC to AT&T Mobility for those areas in which ACC was previously designated as an ETC and which the FCC did not order AT&T Mobility to divest as set forth in Exhibit 2 of the application is approved.

2. ACC will remain the designated ETC in KY-6 and KY-8 until it divests itself of those areas.

Done at Frankfort, Kentucky, this 14th day of April, 2008.

By the Commission

ATTEST:


Executive Director

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MAY 20 2009

FCC Mail Room

Attachment B

Cheryl R. Winn

Attorney At Law

RECEIVED

SEP 02 2008

August 29, 2008

PUBLIC SERVICE
COMMISSION

Ms. Stephanie Stumbo
Executive Director
Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, KY 40602

Received & Inspected

MAY 20 2008

FCC Mail Room

Re: A Certification of the Carriers Receiving Universal Service High-Cost Support,
Administrative Case 381

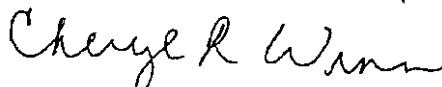
Dear Ms. Stumbo:

The Commission's September 25, 2001 Order in Administrative Case 381 requires that recipients of Federal Universal Service High-Cost Support provide information to the Commission by September 1 of each year regarding the use of those funds. The Commission, in turn, must certify to the FCC pursuant to the state certification process set out in 47 C.F.R. §54.313 that such funds are used appropriately.

Enclosed for filing are the Eligible Telecommunications Carrier Certification and Report of New Cingular Wireless PCS LLC ("AT&T Mobility") and American Cellular Corporation (SAC 269905). Attachment A-1 to the Certification contains confidential material, and pursuant to 807 KAR 5:001; §7, AT&T Mobility files herewith its Petition for Confidential Treatment requesting that the Commission afford confidentiality to that material. Also attached is an Affidavit of Jim Thorpe in Support of the Petition for Confidential Treatment. One proprietary copy and 10 edited copies of this material are filed with the Commission.

Should you wish any further information, please do not hesitate to contact me.

Sincerely,



Cheryl R. Winn
Counsel for New Cingular Wireless
PCS LLC ("AT&T Mobility") and
American Cellular Corporation

Enclosures

719451

601 West Chestnut Street
Room 407
Louisville, KY 40203

Phone: (502) 582-1475
Fax: (502) 582-1573
Email: cheryl.winn@att.com

COMMONWEALTH OF KENTUCKY
BEFORE THE KENTUCKY PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

A CERTIFICATION OF THE CARRIERS)	ADMINISTRATIVE CASE NO. 381
RECEIVING FEDERAL UNIVERSAL SERVICE)	
HIGH COST SUPPORT)	

* * * * *

**PETITION OF NEW CINGULAR WIRELESS, LLC (AT&T MOBILITY) AND
AMERICAN CELLULAR CORPORATION (SAC 269905) FOR CONFIDENTIAL
TREATMENT**

Petitioner, New Cingular Wireless PCS, LLC ("AT&T Mobility"),¹ through counsel, pursuant to KRS 61.870, KRS 65.7639, and 807 KAR 5:001 Section 7, hereby submits its Petition for Confidential Treatment for AT&T Mobility and American Cellular Corporation (collectively, "the Company"). The grounds in support of this Petition are set forth below.

In this Petition, the Company is seeking Confidential Treatment for certain information attached to its Certification and Report required by the Commission's September 25, 2001 Order herein as well as the Commission's August 15, 2005 Order in Case No. 2005-00130 styled *In the matter of: American Cellular Corporation Petition For Designation As A Competitive Eligible Telecommunications Carrier Pursuant To Section 214(E) Of The Telecommunications Act of 1996*. The Company is providing the original of its Summary of Potential Capital Projects ("Confidential Attachment A-1"), consisting of one page attached only to the original of this Petition for Confidential Treatment and marked in red ink as "Proprietary Information." The

¹ On April 14, 2008, the Commission approved the request of New Cingular Wireless PCS, LLC ("AT&T Mobility") to transfer the ETC designation of American Cellular Corporation ("ACC") to AT&T Mobility for those areas in which ACC was previously designated as an ETC and which the FCC did not order AT&T Mobility to divest. The Commission further ordered that ACC will remain the designated ETC in KY-6 and KY-8 until it divests itself of those areas. *In the Matter of New Cingular Wireless PCS, LLC ("AT&T Mobility") Notice of Acquisition and Request for Transfer of Eligible Telecommunications Carrier Designation*, Case No. 2008-00077, Ordering Paragraph 2 and 3.

Company is providing a one-page document identified as "Confidential Attachment A-1" which notes that it contains "Confidential Data" for the Commission to place in its files which are available for public inspection. The redacted document is also attached to the Eligible Telecommunications Carrier Certification and Report of New Cingular Wireless PCS, LLC (AT&T Mobility) and American Cellular (SAC 269905) filed herewith. The Company is also submitting the Affidavit of Jim Thorpe In Support of Petition for Confidential Treatment in support of this Petition (referred to hereafter as "Thorpe Affidavit").

KRS 61.870 requires that public agencies within the Commonwealth make available for inspection all public records. Certain exceptions to that general requirement are contained in KRS 61.878 and KRS 61.878(1)(c), which provide an exemption for certain commercial information. In order to qualify for an exemption under these sections, a party must demonstrate that disclosure of such commercial information would permit an unfair commercial advantage to its competitors unless the information is afforded Confidential Protection. The procedure for requesting Confidential Treatment from the Commission is outlined in 807 KAR 5:001 Section 7.

All of the information contained in the Company's Summary of Potential Capital Projects and Service Improvement Update is proprietary commercial information as recognized by KRS 65.7639 and the Commission's January 24, 2000 Order in Case No. 99-184 styled *In the Matter of: ACC Of Kentucky LLC's Petition for Confidential Protection*. Accordingly, pursuant to KRS 61.878(1)(c), the Company requests that the Commission afford Confidential Treatment to the Company's Summary of Potential Capital Projects and Service Improvement Update.

The Company's Summary of Potential Capital Projects and Service Improvement Update would provide competitors and potential competitors with important information about the Company and its operations, which competitors would be unable to obtain otherwise. Thorpe Affidavit, ¶4. Armed with this information, a competitor could develop entry, marketing, or other strategies, which would likely ensure it success in competing with the Company. Further, in a competitive market, any information gained about a competitor can be used to that competitor's

detriment. *Id.* at p. 2, ¶ 5. Such an unfair competitive advantage skews the marketplace and prevents the development of true competition to the ultimate detriment of the consumer.

Disclosure of the Confidential Information contained in the Company's Summary of Potential Capital Projects and Service Improvement Update would be detrimental to the Company because it contains data that is not otherwise available to the Company's competitors. *Id.* at pp.

¶4 The information sought to be protected herein is not generally known outside the Company, nor is it provided to the public. *Id.* at ¶ 6. Indeed, by granting this Petition, the public interest will be served because competition will be enhanced. Finally, the Commission has recognized in its January 24, 2000 Order in Case No. 99-184 that information of this type, previously submitted by American Cellular is entitled to Confidential Treatment.

Wherefore, the Company respectfully requests that the Commission issue an Order granting Confidential Treatment to the Company's Summary of Potential Capital Projects and Service Improvement Update.

Respectfully submitted this the 29th day of August, 2008.



Cheryl R. Winn
601 W. Chestnut Street, Room 407
Louisville, KY 40203
Telephone: 502-582-1475
**COUNSEL FOR NEW CINGULAR
WIRELESS PCS, LLC ("AT&T
MOBILITY") AND AMERICAN
CELLULAR CORPORATION**

COMMONWEALTH OF KENTUCKY
BEFORE THE KENTUCKY PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

A CERTIFICATION OF THE CARRIERS)	ADMINISTRATIVE CASE NO 381
RECEIVING FEDERAL UNIVERSAL SERVICE)	
HIGH-COST SUPPORT)	

AFFIDAVIT OF JIM THORPE IN SUPPORT OF
PETITION OF NEW CINGULAR WIRELESS PCS, LLC ("AT&T MOBILITY") AND
AMERICAN CELLULAR CORPORATION (SAC 269905) FOR
CONFIDENTIAL TREATMENT

Jim Thorpe being first duly sworn on oath, states as follows:

1. I currently serve as a Vice President / General Manager for AT&T Mobility. In this capacity I have personal knowledge of the matters set forth in this affidavit and am authorized to make this affidavit on behalf of New Cingular Wireless PCS, LLC ("AT&T Mobility") and American Cellular Corporation (collectively, "the Company")

2. AT&T Mobility¹ is requesting confidential treatment for its proposed filing of a spreadsheet describing the location of the Company's cell sites, proposed service improvement projects and the estimated locations and costs associated with such improvements (Confidential Attachment A-1).

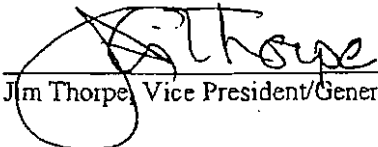
3. This exhibit contains proprietary information that would aid competitors of AT&T Mobility and such trade secret information is subject to protection from disclosure pursuant to Kentucky law. See KRS 61.870, *et seq*

¹ On April 14, 2008, the Commission approved the request of New Cingular Wireless PCS, LLC ("AT&T Mobility") to transfer the ETC designation of American Cellular Corporation ("ACC") to AT&T Mobility for those areas in which ACC was previously designated as an ETC and which the FCC did not order AT&T Mobility to divest. The Commission further ordered that ACC will remain the designated ETC in KY-6 and KY-8 until it divests itself of those areas. *In the Matter of New Cingular Wireless PCS, LLC ("AT&T Mobility"); Notice of Acquisition and Request for Transfer of Eligible Telecommunications Carrier Designation*, Case No. 2008-00077, Ordering Paragraph 2 and 3.

4. The specific exhibit AT&T Mobility proposes to file would reveal proprietary information regarding the Company's network infrastructure, build out plans and operating costs. This information constitutes a trade secret because it is commercial information, that, if disclosed, could cause substantial competitive harm to AT&T Mobility. This information is either not publicly available or not generally available in this format. It would be difficult (or impossible) for someone to discover this information from other sources. If this information were available to competitors in this format, they could use it to the competitive detriment of AT&T Mobility.

5. Wireless providers, like AT&T Mobility, operate in a highly competitive marketplace where such proprietary information is closely guarded to ensure it is not disclosed to competitors.

6. This information is protected internally by the Company as proprietary information.

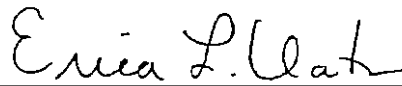

Jim Thorpe, Vice President/General Manager

TENNESSEE
STATE OF ~~KENTUCKY~~)
)
COUNTY OF WILLIAMSON)

Subscribed and sworn to before me by Jim Thorpe as Vice President / General Manager of AT&T Mobility this 28TH day of August 2008.

My commission expires: MAY 8, 2012




Notary Public

COMMONWEALTH OF KENTUCKY
BEFORE THE KENTUCKY PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

A CERTIFICATION OF THE CARRIERS)	ADMINISTRATIVE CASE NO 381
RECEIVING FEDERAL UNIVERSAL SERVICE)	
HIGH-COST SUPPORT)	

ELIGIBLE TELECOMMUNICATIONS CARRIER CERTIFICATION AND
REPORT OF NEW CINGULAR WIRELESS PCS LLC ("AT&T MOBILITY") AND
AMERICAN CELLULAR CORPORATION (SAC 269905)

CERTIFICATION OF
NEW CINGULAR WIRELESS PCS, LLC ("AT&T MOBILITY") AND
AMERICAN CELLULAR CORPORATION (SAC 269905)

ADMINISTRATIVE CASE NO. 381

STATE OF KENTUCKY)
) ss
COUNTY OF WILIAMSON)

The undersigned, being duly sworn, states as follows:

1. I currently serve as a Vice President / General Manager for AT&T Mobility. I am personally familiar with the high-cost federal universal service support received by American Cellular Corporation and New Cingular Wireless PCS, LLC (collectively, "the Company") and the use of these funds in Kentucky for study area code ("SAC") 269905.

2. On August 15, 2006, the Public Service Commission of Kentucky ("Commission") issued an Order in Case No. 2005-00130 designating American Cellular Corporation ("ACC") as an eligible telecommunications carrier ("ETC") throughout portions of the State ("ETC Designation Order") for SAC 269905. On November 15, 2007, Dobson Communications Corporation ("Dobson") became a wholly owned subsidiary of AT&T Inc. ("AT&T/Dobson Merger"). Following the AT&T/Dobson Merger, ACC remained a subsidiary of Dobson, but was converted to a limited liability company. On April 14, 2008, the Commission approved AT&T Mobility's request to transfer the ETC designation of American Cellular to AT&T Mobility for those areas in which American Cellular was previously designated as an ETC and which the FCC did not order AT&T Mobility to divest. The Commission further ordered that American Cellular will remain the designated ETC in KY-6 and KY-8 until it divests itself of those areas.¹ Until American Cellular is divested in KY-6 and KY-8 AT&T Mobility is

¹ In the Matter of New Cingular Wireless PCS, LLC ("AT&T Mobility") Notice of Acquisition and Request for Transfer of Eligible Telecommunications Carrier Designation, Case No. 2008-00077, Ordering Paragraph 2 and 3.

responsible for making the requisite filings for the entire 269905 SAC which includes KY-6 and KY-8.

3 To enable the Company to receive federal high-cost universal service support in calendar year 2009, the Commission is required to certify the Company's use of support for SAC 269905 to the Federal Communications Commission ("FCC") and the Universal Service Administrative Company ("USAC") on or before October 1, 2008. On September 25, 2001, the Commission issued an order in Administrative Case No. 381 requiring all ETCs to file with the Commission their plans for the use of any high-cost federal universal service support they receive on or before September 1 of each calendar year.

4. As set forth in the Commission's ETC Designation Order, on or before September 1 of each year, the Company is further required to file the following additional information with the Commission: (a) records and documentation detailing the Company's progress towards meeting its build-out plans; (b) the number of complaints per 1,000 handsets; and (c) information detailing the number of unfulfilled requests for the past year.

5. Based on USAC's most recent projections, the Company currently estimates that it will receive approximately \$2.6 million in federal high-cost universal service support in 2009. The actual amount of support distributed to the Company may vary from this estimate as universal service support levels change over time and the FCC has recently ordered that the total annual competitive ETC ("CETC") support for each state will be capped at the level of support that CETCs were eligible to receive during March 2008 on an annualized basis.² Consistent with the Company's 2008 expenditures to date, the Company expects that its capital investments, maintenance and operating expenses will far exceed the amount of federal high-cost universal service support the Company receives in 2008.

² See *In the Matter of High-Cost Universal Service Support, Federal-State Joint Board on Universal Service, Alltel Communications, Inc. et al. Petitions for Designation as Eligible Telecommunications Carriers. RCC Minnesota, Inc. and RCC Atlantic, Inc. New Hampshire ETC Designation Amendment, Order*, WC Docket No. 05-337 and CC Dkt No. 96-45 (rel. May 1, 2008).

6. Accordingly, the Company hereby certifies that all federal high-cost universal service support that it receives during the 2009 calendar year will be used only for the provision, maintenance and upgrading of facilities and services for which the support is intended pursuant to Section 254(e) of the Federal Telecommunications Act, 47 U.S.C. § 254(e)

A. Service Improvement Progress Report

7. Since its designation as an ETC, the Company has continued to identify facility construction projects intended to expand network coverage within its designated service area. Attached as Confidential Attachment A-1 is a summary of the types of facilities, locations, estimated budget and deployment dates for each of these service improvements.

8. The Company has also identified several new signal quality or capacity projects that will improve service within its designated service areas. These signal quality or capacity projects are described in Confidential Attachment A-1, including the locations, estimated budgets and deployment dates for each of the improvements.

9. Since it began providing service in Kentucky, the Company has developed a robust network and currently provides service to a substantial number of subscribers within its designated service areas. Pursuant to 47 U.S.C. § 254(e), the Company will continue utilize the federal high-cost universal service support it receives to maintain, upgrade and operate these network facilities consistent with the universal service objective of providing quality telecommunications services.

B. Requests for Service

11. The Commission's ETC Designation Order provides that the Company is to annually report the number of requests for service from potential customers within its designated ETC service area that were unfulfilled. The Company has adopted the calendar year as the time period for purposes of meeting the September 1 filing deadline. Accordingly, for the time period January 1, 2007 through December 31, 2007, the Company experienced one request for service that the Company was unable to satisfy. After following its six-step process for evaluating

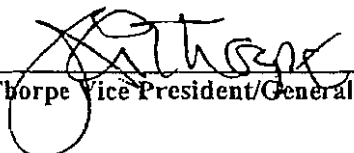
requests for service, the Company determined that the only way to provide service to the requesting customer was by constructing a new cell site. The Company further determined that such a cell site could not be put in service at a reasonable cost and within a reasonable time.

C. Complaints Per 1,000 Handsets

12. The Company is also required to annually report the number of complaints per 1,000 handsets. The Company has adopted the calendar year as the time period for purposes of meeting a September 1 filing deadline. For the time period January 1, 2007 through December 31, 2007, the Company received .33 complaints per 1,000 handset within its designated ETC service areas from the Commission, the Office of the Kentucky Attorney General or the Better Business Bureau.

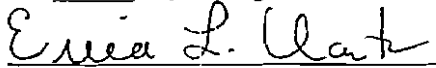
The matters addressed above are within my personal knowledge and are true and correct.

AT&T Mobility



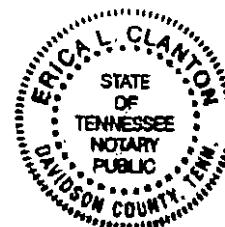
Jim Thorpe Vice President/General Manager

Subscribed and sworn to before me
this 28TH day of August, 2007



Notary Public

My Commission expires: MAY 8, 2012



My Commission Expires MAY 8, 2012

Seal

CONFIDENTIAL ATTACHMENT A-1

KY ETC Plan 2009

Site Name	Category	Estimated Capital	Est 2009 Lease Expense	Est 2009 Connection Expense	Est 2009 Utilities Expense	Est. Total ETC Dollars Spent	Service Improvement	Wire Center	Exchange	County/State
							Coverage/Capacity/Quality	LRBGKYA	LAWRENCEBURG	Anderson, KY
							Coverage/Capacity/Quality	BRTWKYB	BARDSTOWN	Nelson, KY
							Coverage/Capacity/Quality	BRTWKYB	BARDSTOWN	Nelson, KY
							Coverage/Capacity/Quality	BOVLKYA	BONNIEVL	Hart, KY
							Coverage/Capacity/Quality	LBNNKYA	LEBANON	Marion, KY
							Coverage/Capacity/Quality	CMVLKYA	CAMPBELLSVILLE	Taylor, KY
							Coverage/Capacity/Quality	LBNNKYA	Lebanon	Marion, KY
							Coverage/Capacity/Quality	CLMAKYA	COLUMBIA	Adair, KY
							Coverage/Capacity/Quality	TYVLKYA	Taylorville	Spencer, KY
							Coverage/Capacity/Quality	CLMAKYA	COLUMBIA	Adair, KY
							Coverage/Capacity/Quality	MNTIKYA	MONTICELLO	Wayne, KY
							Coverage/Capacity/Quality	STRNKYA	STANSWILLYCY	McCreary, KY
							Coverage/Capacity/Quality	ALBYKYA	ALBANY	Clinton, KY
							Coverage/Capacity/Quality	SPFDKYA	MOORESVILLE	Washington, KY
							Coverage/Capacity/Quality	BRTWKYB	BARDSTOWN	Nelson, KY
							Coverage/Capacity/Quality	LRBGKYA	LAWRENCEBURG	Anderson, KY
							Continuing Service Operating Expense	LBNNKYA	LEBANON	Marion, KY
							Coverage/Capacity/Quality	MNTIKYA	MONTICELLO	Wayne, KY
							Continuing Service Operating Expense	HGVLKYA	HODGENVILLE	Larue, KY
							Coverage/Capacity/Quality	STRNKYA	STANSWILLYCY	McCreary, KY
							Coverage/Capacity/Quality	CMVLKYA	CAMPBELLSVILLE	Taylor, KY
							Continuing Service Operating Expense	SPFDKYA	MOORESVILLE	Washington, KY
							Continuing Service Operating Expense	BRTWKYB	BARDSTOWN	Nelson, KY
							Continuing Service Operating Expense	ALBYKYA	ALBANY	Clinton, KY
							Continuing Service Operating Expense	ALBYKYA	ALBANY	Clinton, KY
							Coverage/Capacity/Quality	SPFDKYA	MOORESVILLE	Washington, KY
							Continuing Service Operating Expense	EZTWKYA	ELIZABETHTOWN	Hardin, KY
							Coverage/Capacity/Quality	BRTWKYB	BARDSTOWN	Nelson, KY
							Continuing Service Operating Expense	MNTIKYA	MONTICELLO	Wayne, KY

EDITED

Attachment C

Received & Inspected

MAY 20 2009

FCC Mail Room



AT&T Kentucky
601 W. Chestnut Street
Room 407
Louisville, KY 40203

T: 502.582.8219
F: 502.582.1573
mary.keyer@att.com

RECEIVED

March 26, 2009

MAR 27 2009

PUBLIC SERVICE
COMMISSION

Mr. Jeff Derouen
Executive Director
Public Service Commission
211 Sower Boulevard
P. O. Box 615
Frankfort, KY 40602

Received & Inspected

MAY 20 2009

FCC Mail Room

Re: New Cingular Wireless PCS, LLC d/b/a AT&T Mobility Notice of
Acquisition and Request for Transfer of Eligible Telecommunications
Carrier Designation
PSC 2008-00077

Dear Mr. Derouen:

Enclosed for filing in the above-referenced case are the original and ten (10) copies of Notice of Partial Relinquishment of Eligible Telecommunications Carrier Designation for American Cellular Corporation, Consummation of Transfer of the Remainder of ACC's ETC Designation to New Cingular Wireless PCS, LLC, Study Area Code 269905.

Sincerely,

Mary K. Keyer
General Counsel/Kentucky

Enclosures

cc: Parties of Record

732258

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

NEW CINGULAR WIRELESS PCS, LLC D/B/A)	
AT&T MOBILITY NOTICE OF ACQUISITION)	CASE NO.
AND REQUEST FOR TRANSFER OF ELIGIBLE)	2008-00077
TELECOMMUNICATIONS CARRIER DESIGNATION)	

**NOTICE OF PARTIAL RELINQUISHMENT OF ELIGIBLE
TELECOMMUNICATIONS CARRIER DESIGNATION FOR AMERICAN
CELLULAR CORPORATION, CONSUMMATION OF TRANSFER OF THE
REMAINDER OF ACC'S ETC DESIGNATION TO NEW CINGULAR WIRELESS
PCS, LLC, STUDY AREA CODE 269905**

The Kentucky Public Service Commission ("Commission") previously designated American Cellular Corporation ("ACC") as an eligible telecommunications carrier ("ETC") for the purpose of receiving federal high cost and low income universal service support in certain rural and non-rural areas of Kentucky.¹ On February 26, 2008, AT&T Inc. notified the Commission that on November 15, 2007, Dobson Communications Corporation ("Dobson") became a wholly-owned subsidiary of AT&T Inc.² and that AT&T intended to consolidate various Dobson legal entities by merging American Cellular Corporation ("ACC") into New Cingular Wireless PCS, LLC d/b/a AT&T Mobility ("AT&T Mobility") effective in April 2008.³ AT&T Mobility also requested that the Commission's

¹ See *In the Matter of Petition of American Cellular Corporation Petition for Designation as an Eligible Telecommunications Carrier Pursuant to Section 214(e) of the Telecommunications Act*, Case No. 2005-00130. ("ACC Designation Decision").

² *In the Matter of Applications of AT&T Inc., and Dobson Communications Corporation, For Consent to Transfer Control of Licenses and Authorizations*, File Nos. 0003092368 et al, WT Docket No. 07-153, ("Dobson Merger Approval Order") (rel. Nov. 19, 2007).

³ It should be noted that after November 15, 2007, Dobson and AT&T Mobility have both been managed by AT&T Mobility Corporation.

transfer of the ETC designation of ACC to AT&T Mobility not include Kentucky RSA 6 and 8 because these areas were being divested.⁴ On April 14, 2008, the Commission granted AT&T Mobility's request to transfer the ETC designation from ACC to AT&T Mobility except that ACC would remain designated as the ETC in KY-6 and KY-8 until it divested itself of those areas.⁵

ACC Partial Relinquishment

The FCC in the *Dobson Merger Approval Order*, imposed a condition that the operating units in certain areas must be divested, including Kentucky RSA 6 and 8.⁶ On December 22, 2008, the operations in Kentucky RSA 6 and 8 were successfully divested to Cellco Partnership d/b/a Verizon Wireless and certain of its subsidiaries ("Verizon Wireless"). ACC's relinquishment of the ETC designation in the wire centers identified on **Exhibit A** should be effective as of December 22, 2008. ACC's ETC designation in Kentucky RSA 6 and 8 was not transferred to Verizon Wireless.

As a result of the FCC-mandated divestiture of its wireless telecommunications operations and customers in Kentucky RSA 6 and 8, ACC no longer owns or operates a network to provide the supported services to any customers in this area.⁷ As such, ACC is requesting that ACC's ETC designation

⁴ See letter dated February 25, 2008, from Mary K. Keyer to Ms. Beth O'Donnell regarding AT&T Mobility Notice of Acquisition and Request for Transfer of ETC Designation.

⁵ See *In the Matter of New Cingular Wireless PCS, LLC ("AT&T Mobility") Notice of Acquisition and Request for Transfer of Eligible Telecommunications Carrier Designation*, Case No. 2008-0007, April 14, 2008 Order ("AT&T Mobility ETC Transfer Order").

⁶ *Dobson Merger Approval Order*, ¶ 88.

⁷ This statement is limited to ACC and does not impact other wireless subsidiaries of AT&T Inc.

in the specific incumbent local exchange carrier (ILEC) wire centers as set forth in **Exhibit A** be relinquished effective December 22, 2008.

The federal Communications Act of 1934, as amended ("Act"), provides that a state commission must allow the relinquishment of an ETC designation in areas served by more than one ETC. Specifically, section 214(e)(4) of the Act provides:

A State commission (or the [FCC] in the case of a common carrier designated under paragraph (6)) shall permit an eligible telecommunications carrier to relinquish its designation as such a carrier in any area served by more than one eligible telecommunications carrier.

47 U.S.C. §214(e)(4) (emphasis added); see also 47 C.F.R. § 54.205(a) and (b).

In accordance with the FCC-mandated divestiture of its operations in Kentucky RSA 6 and 8, each of ACC's former customers within those market areas is now served by Verizon Wireless. Further, to the best of AT&T's knowledge, the customers within each of the ILEC wire centers identified on **Exhibit A** will be able to receive service from an incumbent ETC.⁸

Transfer Remaining ETC Designation from ACC to AT&T Mobility

Pursuant to the Commission's previous order, ACC will be merging into AT&T Mobility at which time the ETC designation previously granted to ACC will transfer to AT&T Mobility.⁹ While it was originally contemplated that ACC would merge into AT&T Mobility last April, due to unforeseen delay this will now occur on March 31, 2009. The wire centers where AT&T Mobility will be designated as

⁸ Nothing in ACC's notice of partial relinquishment is intended to affect, and ACC shall fully retain and transfer to AT&T Mobility, the ETC designation in the ILEC wire centers set forth in **Exhibit B**, as explained in more detail below.

⁹ *AT&T Mobility ETC Transfer Order*.

an ETC are set forth in **Exhibit B**.¹⁰ After March 31, 2009, AT&T Mobility will be the designated ETC for study area code ("SAC") 269905.

As stated in the February 26, 2008, notice, AT&T Mobility will continue to abide by the commitments made by ACC in its ETC application. Specifically, consistent with Section 214(e)(1) of the federal Communications Act ("Act") and Section 54.201(d) of the FCC's rules, AT&T Mobility will (1) offer the services that are supported by federal universal service support mechanisms¹¹ either using its own facilities or a combination of its own facilities and resale of another carrier's services throughout the ETC-designated areas upon reasonable request,¹² and (2) advertise the availability of such services and the applicable charges using media of general distribution.¹³ In addition, AT&T Mobility will continue to participate in the federal Lifeline and Link Up programs in compliance with the FCC's requirements. Further, AT&T Mobility will continue to file with the Commission its plans for the use of high cost support to be received; records and documentation detailing AT&T Mobility's progress toward meeting its build-out plans; number of complaints per 1,000 handsets; and information detailing the

¹⁰ In the letter submitted by AT&T on February 26, 2008, AT&T inadvertently omitted two wire centers in which ACC had been previously designated as an ETC that should transfer to AT&T Mobility.

¹¹ The supported services include: voice grade access to the public switched network; local usage; dual tone multi-frequency signaling or its functional equivalent; single-party service or its functional equivalent; access to emergency services; access to operator services; access to interexchange service; access to directory assistance; and toll limitation for qualifying low-income consumers.

¹² See *ACC Designation Decision*, p. 7.

¹³ 47 U.S.C. § 214(e)(1); 47 C.F.R. § 54.201(d).